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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

Freddie Loston

Civil Action 06-0540

versus

Judge Tucker L. Melançon

Warden Allen Correctional Ctr.

Magistrate Judge Methvin

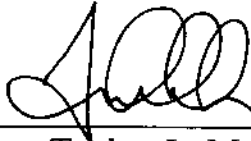
ORDER

A Request for Certificate of Appealability [Rec. Doc. 11] having been filed in the above captioned habeas corpus case in which the detention complained of arises out of a process issued by a state court, this Court, considering the record in this case and the requirements of 28 U.S.C. §2254, hereby finds that a certificate of appealability shall not issue because petitioner has not demonstrated: (1) that he was deprived of a constitutional right, and (2) that reasonable jurists could conclude that the district court's dismissal on procedural grounds was incorrect or debatable. *See Slack v. McDaniel*, 529 U.S. 473, 479 (2000); *Tennard v. Dretke*, 442 F.3d 240, 252 (5th Cir. 2006).

Adopting the analysis contained in the Report and Recommendation of the Magistrate Judge issued on June 26, 2006 [Rec. Doc. 4], this Court finds that there is no basis in law or fact as demonstrated by this record that petitioner is entitled to the relief he seeks. Accordingly,

IT IS ORDERED that petitioner's Request for Certificate of Appealability
[Rec. Doc. 11] is DENIED.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 26th day of July,
2006.

A handwritten signature in black ink, appearing to read 'Tucker L. Melançon', is written over a horizontal line.

Tucker L. Melançon
United States District Judge